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<b>TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT</b> (Under 37 CFR 1.97(b) or 1.97(c))				Docket No. 17044	
In Re Application Of: <b>Hirokazu Nishimura, et al.</b>					
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/667,865	September 22, 2003	Unassigned	23389	3762	1153
Title: <b>DIAGNOSTIC SUPPORT APPARATUS</b>					
Address to: <b>Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</b>					
<b>37 CFR 1.97(b)</b>					
1. <input checked="" type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.					
<b>37 CFR 1.97(c)</b>					
2. <input type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:					
<input type="checkbox"/> the statement specified in 37 CFR 1.97(e);					
<b>OR</b>					
<input type="checkbox"/> the fee set forth in 37 CFR 1.17(p).					

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
17044

In Re Application of: Hirokazu Nishimura, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/667,865	September 22, 2003	Unassigned	23389	3762	1153

Title:  
**DIAGNOSTIC SUPPORT APPARATUS**

**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 19-1013/SSMP as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fa

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August 28, 2006  
(Date)

\_\_\_\_\_  
Signature of Person Mailing Correspondence

Thomas Spinelli

\_\_\_\_\_  
Typed or Printed Name of Person Mailing Certificate

**\*This certificate may only be used if paying by deposit account.**

\_\_\_\_\_  
Signature

Thomas Spinelli  
Registration No. 39,533  
Scully, Scott, Murphy & Presser, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
516-742-4343

Dated: August 28, 2006

CC:



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** Hirokazu Nishimura, et al.

**Examiner:** Unassigned

**Serial No.:** 10/667,865

**Art Unit:** 3762

**Filed:** September 22, 2003

**Docket:** 17044

**For:** DIAGNOSTIC SUPPORT APPARATUS

**Dated:** August 28, 2006

**Confirmation No.:** 1153

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. §§1.97 and 1.98, it is requested that the following reference, which is also listed on the attached Form PTO-1449, be made of record in the above-identified case.

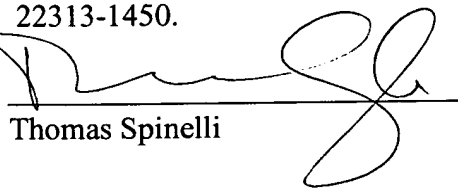
1. Japanese Patent Application KOKAI Publication No. 2001-273364, published October 5, 2001.

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 28, 2006

  
Thomas Spinelli

The reference was cited in an Office Action dated August 1, 2006 received from the Japanese Patent Office. Applicants are submitting a copy of the above-cited reference, the Office Action, and an English translation of the Examiner's comments regarding the reference from the Official Action. Please note that the other references cited in the Office Action, namely, Japanese Patent Application KOKAI Publication No. 4-333972, published November 20, 1992; Japanese Patent Application KOKAI Publication No. 7-319674, published December 8, 1995; and Japanese Patent Application KOKAI Publication No. 8-322805, published December 10, 1996 were previously submitted in applicant's Information Disclosure Statement dated September 22, 2003. The relevance of the reference is described in the Official Action.

In compliance with the requirements of 37 C.F.R. §1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 37 C.F.R. §1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a translation of portions of an official action by a foreign examiner in which the reference was cited. The relevance to the pending U.S. patent application is that the reference was cited in a foreign patent application on the same subject matter. However, no independent analysis of the reference, the accuracy of the statement of the foreign examiner or the claims of the foreign application under the laws of that country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the translation of the foreign examiner's comments submitted herewith.

The undersigned attorney hereby states that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Further, inasmuch as this Information Disclosure Statement is also being submitted in accordance with the schedule set out in 37 C.F.R. §1.704(d), a statement is attached.

Respectfully submitted,

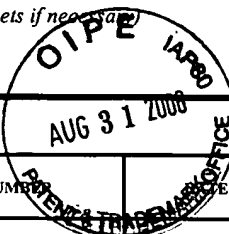


Thomas Spinelli  
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400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343

TS:dg

<b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>				Docket Number (Optional) <b>17044</b>		Application Number <b>10/667,865</b>	
				Applicant(s) <b>Hirokazu Nishimura, et al.</b>			
				Filing Date <b>September 22, 2003</b>		Group Art Unit <b>3762</b>	



U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER		NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

U.S. PATENT APPLICATION PUBLICATIONS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
		2001-273364	10/5/01	Japan				✓

OTHER DOCUMENTS			(Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** Hirokazu Nishimura, et al. **Examiner:** Unassigned  
**Serial No.:** 10/667,865 **Art Unit:** 3762  
**Filed:** September 22, 2003 **Docket:** 17044  
**For:** DIAGNOSTIC SUPPORT APPARATUS **Dated:** August 28, 2006

**Confirmation No.:** 1153

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 23313-1450

**STATEMENT PURSUANT TO 37 C.F.R. §1.704(d)**

Sir:

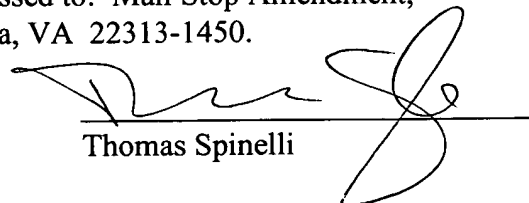
I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement.

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

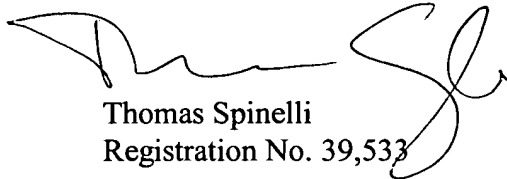
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 28, 2006

  
Thomas Spinelli

Therefore, this Information Disclosure Statement cannot be considered a failure to engage in reasonable efforts to conclude prosecution of the application under paragraphs (c)(6), (c) (8), (c) (9), or (c) (10) of 37 C.F.R. §1.704.

Respectfully submitted,



Thomas Spinelli  
Registration No. 39,533

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400 Garden City Plaza, Suite 300  
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TS:dg



(Translation)

Mailed: August 1, 2006

**NOTIFICATION OF REASONS FOR REJECTION**

Patent Application No.: Japanese Patent Application No. 2001-324036

Examiner's Notice Date: July 26, 2006

Examiner: Kosen ITO

9604 2Q00

Attorneys for Applicant: Takehiko SUZUYE (other 4 attorneys)

Applied Sections: Section 29 (1), and Section 29 (2)

This application is rejected on the grounds stated below. Any opinion about the rejection must be filed within 60 DAYS of the mailing date hereof.

**REASONS**

1. The invention is unpatentable under Section 29 (1) (iii) of the Patent Law as being described in the following publication distributed in Japan or a foreign country prior to this application or having been made available to the public through electric telecommunication lines in Japan or a foreign country prior to this application.

**REMARKS (refer to references cited)**

- Claims 1 and 2

- Reference 1

[Note]

Reference 1 discloses a diagnosis supporting apparatus in which an image acquiring device (IA) which acquires an image of a patient, database (DB) which stores the image of the patient and a work station (WS) which displays an image are connected via a network, the apparatus taking in an image of a patient to be diagnosed and a past image of another patient which is referred to for diagnosis in a memory of WS from DB via a network, and displaying both the images in parallel in order to contribute to the preparation of a radiograph interpretation report (see paragraphs [0018] to [0472] and FIGS. 1 to 23).

2. The invention is unpatentable under Section 29 (2) of the

Patent Law, as being such that the invention could easily have been made by a person with ordinary skill in the art to which the invention pertains, on the basis of the invention described in the following publication(s) distributed in Japan or a foreign country prior to this application or the invention made available to the public through electric telecommunication lines in Japan or a foreign country prior to this application.

REMARKS (refer to references cited)

- Claims 1 and 2

- Reference 1

[Note]

Reference 1 discloses a diagnosis supporting apparatus in which an image acquiring device (IA) which acquires an image of a patient, database (DB) which stores the image of the patient and a work station (WS) which displays an image are connected via a network, the apparatus taking in an image of a patient to be diagnosed and a past image of another patient which is referred to for diagnosis in a memory of WS from DB via a network, and displaying both the images in parallel in order to contribute to the preparation of a radiograph interpretation report (see paragraphs [0018] to [0472] and FIGS. 1 to 23).

- Claim 3

- References 1 and 2

[Note]

Reference 1 discloses a diagnosis supporting apparatus in which an image acquiring device (IA) which acquires an image of a patient, database (DB) which stores the image of the patient and a work station (WS) which displays an image are connected via a network, the apparatus taking in an image of a patient to be diagnosed and a past image of another patient which is referred to for diagnosis in a memory of WS from DB via a network, and displaying both the images in parallel in order to contribute to the preparation of a radiograph interpretation report (see paragraphs [0018] to [0472] and FIGS. 1 to 23).

Further, Reference 2 discloses the technique of constituting image database connected to a network in a server, in an apparatus for diagnosing a medical image using a network (see paragraphs [0008] to [0012] and FIG. 8).

Accordingly, it would be obvious to those skilled in the art to replace the image database with the server disclosed in Reference 2 in the apparatus disclosed in Reference 1, thereby accomplishing the present invention as claimed in claim 3.

References Cited:

1. Jpn. Pat. Appln. KOKAI Publication No. 4-333972
2. Jpn. Pat. Appln. KOKAI Publication No. 2001-273364

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Prior Art Search Report

Searched Field(s): IPC A61B 5/00

Prior-Art Documents:

- Jpn. Pat. Appln. KOKAI Publication No. 7-319674
- Jpn. Pat. Appln. KOKAI Publication No. 8-322805

The result of this prior art search does not constitute the reasons for rejection.

[For inquiry regarding this Notification of Reasons for Rejection, please contact:  
Kosen ITO, Medical Diagnosis, Patent Examination Department 1 (Tel. 03-3581-1101 Ext. 3291)]